

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DEVANTE HECKS,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC,

Defendant.

Civil Action No.:

DEFENDANT EARLY WARNING SERVICES, LLC
NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS

Pursuant to 28 U.S.C. § 1331, 1441 and 1446, Defendant Early Warning Services, LLC (“EWS”), by counsel, hereby removes this action from the Dallas County Justice of the Peace 4-2 to the United States District Court for the Northern District of Texas, Dallas Division. Removal is proper because this Court has subject matter jurisdiction over this action under federal question jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, EWS removes this action and, in support of its Notice of Removal, states the following:

I. BACKGROUND

1. On April 12, 2024, Plaintiff Devante Hecks (“Plaintiff”) filed a Small Claims Petition (“Complaint”) in the Dallas County Justice of the Peace 4-2 (the “State Court Action”).

2. In the Complaint, Plaintiff alleges EWS violated the Federal Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”).

3. A true and correct copy of all process, pleadings, and orders filed in the State Court Action are attached hereto as **Exhibit A**.

4. Upon information and belief, EWS was served with the Complaint on April 19, 2024, and is removing the Action within 30 days of receiving the Complaint. Therefore, this removal is timely pursuant to 28 U.S.C. § 1446(b)

5. EWS denies the allegations in the Complaint, denies that Plaintiff has stated any claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff's claim is valid, Plaintiff could have originally filed the Complaint in this Court under federal question jurisdiction.

6. EWS is the only Defendant in this case; thus, all Defendants to the claim over which this Court has original jurisdiction under 28 U.S.C. § 1331 have joined in or consented to removal of the State Court Action.

7. No proceedings have occurred in the State Court Action as of the date of this Notice of Removal. EWS has not filed a response to the Complaint. By filing this Notice of Removal, EWS hereby reserves any and all rights to assert any and all defenses and/or objections to the Complaint. EWS further reserves the right to amend or supplement this Notice of Removal.

II. FEDERAL QUESTION JURISDICTION

8. Removal of this action is proper under 28 U.S.C. § 1441(a), which provides, in relevant part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

9. This Court has original jurisdiction over Plaintiff's FCRA claim pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over "all civil actions arising under the Constitution, laws, or treaties of the United States."

10. Plaintiff's Complaint alleges that EWS violated the FCRA, 15 U.S.C. § 1681, et seq., which involves questions that will require resolution of significant, disputed issues arising under the laws of the United States. *See Exhibit A*, Compl. at 2, 6.

11. Federal question jurisdiction exists over this action because the allegations asserted by Plaintiff in the Complaint involve questions that will require resolution of significant, disputed issues arising under federal law.

12. This case qualifies for federal question jurisdiction and is removable because Plaintiff's Complaint alleges claims under, and requires a ruling on, federal law.

13. Therefore, this Court has original jurisdiction over Plaintiff's federal claims. 28 U.S.C. § 1331.

III. VENUE

14. Venue is proper in the Northern District of Texas because the Dallas County Justice of the Peace 4-2 where this action is now pending, is within this judicial district. *See* 28 U.S.C. § 1441.

IV. NOTICE

15. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing Notice of Removal, attaching this Notice of Removal, is being filed contemporaneously with the Clerk of the Dallas County Justice of the Peace 4-2, a copy of which is attached hereto as **Exhibit B**.

16. Upon information and belief, the contents of **Exhibit A** represent all the pleadings served in this action in the state court as required pursuant to 28 U.S.C. § 1446(a).

17. EWS reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Early Warning Services, LLC hereby removes this action from the Dallas County Justice of the Peace 4-2 to the United States District Court for the Northern District of Texas.

Dated: May 2, 2024

/s/ Rachel Ommerman

Rachel Ommerman, TX Bar # 24041631
TROUTMAN PEPPER HAMILTON SANDERS LLP
600 Peachtree Street NE, Suite 3000
Atlanta, GA 30308
Telephone: (470) 832-5571
Email: Rachel.ommerman@troutman.com

*Counsel for Defendant Early Warning Services,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2024, a true and accurate copy of the foregoing *Defendant Early Warning Service, LLC's Notice of Removal* was sent via Federal Express and electronic mail to the following:

Devante Hecks
4128 N Belt Line Road, Apt. 238
Irving, Texas 75038

Plaintiff Devante Hecks

/s/ Rachel Ommerman
Rachel Ommerman